

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

BANK OF AMERICA, N.A.,

Plaintiff,

v.

CHAD S. ETHUN, MARK ETHUN,
PAUL H. ETHUN, TARA ETHUN,
UNKNOWN SPOUSE OF CHAD S. ETHUN,
UNKNOWN SPOUSE OF MARK ETHUN,
UNKNOWN SPOUSE OF PAUL H. ETHUN,
SECRETARY OF HOUSING AND URBAN
DEVELOPMENT, and UNKNOWN SPOUSE OF
TARA ETHUN,

Defendants.

ORDER

16-cv-624-jdp

Plaintiff Bank of America filed a foreclosure action for property in DeForest, Wisconsin, against members of the Ethun family in Dane County Circuit Court. Chad, Mark, Paul, and Tara Ethun filed a notice of removal and a motion for leave to proceed *in forma pauperis*. But Mark Ethun followed up with a motion to withdraw the removal. Dkt. 7. Bank of America has filed a letter that I construe as a motion to remand the case to state court because of this motion to withdraw. Dkt. 9.

But I cannot grant the motion to withdraw solely on Mark's say-so. Mark, who does not appear to be a lawyer, cannot represent other people in this court, so he cannot speak on his family's behalf. Chad, Mark, and Tara also signed the removal, so they need to sign on to all documents the family files in this litigation. I will deny Mark's motion to withdraw and Bank of America's motion to remand. But I will give the Ethuns a short period of time to respond to this order together, stating whether they agree to withdraw their removal and litigate the remainder of the action in state court, or whether they wish to remain in this court.

ORDER

IT IS ORDERED that:

1. Mark Ethun's motion to withdraw the notice of removal, Dkt. 7, is DENIED.
2. Bank of America's motion to remand the case, Dkt. 9, is DENIED.
3. The Ethuns may have until September 21, 2017, to respond to this order, indicating whether they wish to pursue the removed action in this court.

Entered September 11, 2017.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge